

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Ohio :
American Water Company :Case No. 11-4161-WS-AIR
to Increase its Rates :
for Water and Sewer :
Service. :

- - -

CONTINUED PROCEEDINGS

Before Mr. Jeffrey Jones and Ms. Katie Stenman,
Hearing Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-A, Columbus, Ohio, on Tuesday,
May 1, 2012, at 10:00 a.m.

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APPEARANCES:

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Public Utilities Section
By Mr. Thomas G. Lindgren
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On behalf of the Staff of the Public
Utilities Commission of Ohio.

Whitt Sturtevant, LLP
By Mr. Mark Whitt and
Ms. Melissa Thompson
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Columbus, Ohio 43215

On behalf of the Applicant.

Office of the Ohio Consumers' Counsel
By Ms. Melissa R. Yost and
Ms. Kyle L. Kern
Assistant Consumer's Counsel
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On behalf of the Residential
Customers of Ohio American Water
Company.

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INDEX TO PUBLIC WITNESSES

- - -

NAME	PAGE
Eric Pinkett, Sr.	5
Robert McBride	10
Shirron Gardner	12

- - -

1 Tuesday Morning Session,
2 May 1, 2012.

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4 HEARING EXAMINER JONES: This matter
5 was previously called for hearing on March 26,
6 2012, at 10:00 a.m. at the offices of the
7 Commission, and after the taking of public
8 testimony at that time the parties requested an
9 opportunity to engage in some settlement
10 negotiations, and those negotiations have taken
11 place. It's my understanding at that March 26
12 hearing the Bench agreed to put the hearing in
13 abeyance until May 1st at which time we would
14 reconvene.

15 So at this time we did take
16 appearances at the March 26 hearing. Is there
17 any counsel that did not make an appearance at
18 the March 26 hearing that was present? Seeing
19 no one, it's my understanding we have some
20 public witnesses who would like to offer
21 testimony at this time; is that correct?

22 MS. YOST: That's correct, Your Honor.

23 HEARING EXAMINER JONES: Did either
24 of these gentlemen testify at any of the other
25 public hearings?

1 MR. PINKETT: No.

2 MR. MCBRIDE: No.

3 HEARING EXAMINER JONES: Then one of
4 you may take the stand at this time and we'll
5 swear you in and allow you to make your public
6 statement. Would you please raise your right
7 hand.

8 (Witness sworn.)

9 HEARING EXAMINER JONES: Please be
10 seated. Give your name and address for the
11 record.

12 MR. PINKETT: My name is Eric
13 Pinkett, P-i-n-k-e-t-t, Sr. My address is 3844
14 Beechton, B-e-e-c-h-t-o-n, Road, Columbus, Ohio
15 43232.

16 HEARING EXAMINER JONES: Thank you,
17 Mr. Pinkett. Are you a customer of Ohio
18 American?

19 MR. PINKETT: Yes, I am.

20 HEARING EXAMINER JONES: You may
21 proceed with your statement at this time.

22 MR. PINKETT: I live in the Blacklick
23 Estate in the southeast part of town, and as of
24 the 17th of this month I will be there for nine
25 years. When I moved into my current residence,

1 I realized that the water was hard because there
2 was calcium and scale all over the fixtures in
3 the bathroom and all over the shower wall in the
4 bathtub. I had to use CLR and other means to
5 clean a lot of that up.

6 One of the things that I also had to
7 do was I had to buy a water softening system in
8 order to alleviate the hard water problem.

9 In 2010 I went to the first hearing
10 that I ever attended concerning the rates on the
11 water rates, and heard some testimony from some
12 of my neighbors about the condition of the water
13 in terms of them having to replace appliances
14 every three to five years, health issues that
15 they had concerns because of the water, and
16 needless to say it made me more concerned about
17 what was going on. I had to replace my hot
18 water tank about three and a half years ago and
19 even spoke to the hot water company as recently
20 as two weeks ago because I have such a sediment
21 buildup in my hot water tank that it sounds like
22 somebody is down there fighting, because when
23 the water tank comes on it's bloom-bloom,
24 bloom-bloom, bloom-bloom because of the amount
25 of sediment that's in the hot water tank.

1 So along with my neighbors, I do have
2 concerns about the quality of the water in our
3 area, and it's been an on-going problem, I
4 understand, for years. And when the rate
5 increase was talked about in 2010, one of the
6 things that the company had talked about was
7 using that money to improve the quality of the
8 water and to make it better for us, but
9 unfortunately, I don't believe that that's
10 happened because even today, when I run water
11 out of my spigot, the regular spigot, there is a
12 sudsy film in terms of what comes out. So I had
13 to put my dog on the water that I drink because
14 I don't want my dog getting sick.

15 You can see the difference in terms
16 of the water quality that comes out of the
17 spigot that I drink out of, which has the
18 reverse osmosis water filter, versus what comes
19 out of the regular spigot.

20 So having talked to my neighbors,
21 that's the reason why I'm down here this
22 morning. I want to make sure that you are aware
23 of the condition of the quality of the water,
24 and we want something done because we don't have
25 some of the services that they have in other

1 communities, such as water softeners or the
2 reverse osmosis water filter that would make the
3 quality of the water better, and that's
4 something that we need to have.

5 Another concern that I have is we
6 never know, never know from month to month what
7 my water rates are going to be. One month it
8 might be about 40 bucks and then for the next
9 three months it will go up to almost \$70, so I
10 don't know what system they use to determine
11 what the cost of my water is going to be.

12 Now, I realize that sometimes I may
13 use a little more water from one month to the
14 next, but it doesn't seem to me that it's that
15 much. It's just me and my grandson living
16 there. We have a pretty much regular schedule
17 for washing clothes, doing dishes, et cetera.
18 We don't run a lot of water, and I can't
19 understand why the rates increase so much from
20 month to month.

21 So that's another concern that I
22 have, as well as concerns that some of my
23 neighbors have, because one of the other horror
24 stories I was hearing from them is the amount of
25 money that they have to pay for the water. I

1 understand this is a company and they have to,
2 you know, have profits to some degree but we're
3 concerned about the amount of money that we pay
4 for the quality of water that we get.

5 I think that everybody would be less
6 concerned if we were getting a high quality in
7 terms of the water treatment versus what we have
8 to pay. I think that would be more satisfactory
9 to everybody concerned. At least it would be
10 for me. But not getting the high quality of
11 water and having to pay these high rates, that's
12 very unacceptable.

13 HEARING EXAMINER JONES: Thank you,
14 Mr. Pinkett. Any questions for this witness?

15 MR. WHITT: No questions.

16 MS. YOST: No.

17 MR. LINDGREN: No questions.

18 HEARING EXAMINER JONES: Seeing no
19 questions, you may step down. Thank you very
20 much for your testimony.

21 The next public witness?

22 Would you please raise your right
23 hand.

24 (Witness sworn.)

25 HEARING EXAMINER JONES: Please be

1 seated. Give your name and address for the
2 record, please.

3 MR. MCBRIDE: My name is Robert M.
4 McBride, M-c-B-r-i-d-e. I live at 5015 Gunston
5 Drive, Columbus 43232.

6 HEARING EXAMINER JONES: Thank you,
7 Mr. McBride. Are you a customer of Ohio
8 American Water?

9 MR. MCBRIDE: Yes, I am.

10 HEARING EXAMINER JONES: Thank you.
11 You may proceed with your statement at this
12 time.

13 MR. MCBRIDE: Okay. I've lived at
14 this address for 20 years at which time we had a
15 water softener that went bad and never replaced
16 it. The water quality that we have is
17 terrible. It's so hard and it's tearing up -- I
18 just replaced a washer. I've had two washers in
19 the past ten years. The water softener, I
20 should get another one, because this water is
21 just terrible and the calcium deposits on the
22 shower heads, this is probably my third shower
23 head in the last ten years. And before it
24 hadn't been as bad where the water softener, the
25 water softener kind of helped that up where I

1 wouldn't have to change a lot of stuff.

2 I lost my train of thought.

3 The water bills, as the gentleman
4 just said before, we don't know how it's read.
5 They came in and put an outside meter reader to
6 it years ago, so I have never seen a guy come
7 around and read them. So I don't know, and I
8 have been retired now for a few years, but the
9 bills are so different and it's just me living
10 there now. My mother passed away back in 2010,
11 and the water bills are different and I don't
12 know why. Their quality has not changed.
13 That's my biggest gripe is the water quality is
14 just -- and we were promised that it would be
15 changed and it hasn't. It just hasn't. There
16 has been no changes, and that's about all I have
17 right now.

18 HEARING EXAMINER JONES: Thank you,
19 Mr. McBride. Any questions for this witness?

20 MS. YOST: No.

21 MR. WHITT: No.

22 MR. LINDGREN: Sir, do you live in
23 the Blacklick area?

24 MR. MCBRIDE: Yes, I do. Yes.

25 MR. LINDGREN: Thank you. No further

1 questions.

2 HEARING EXAMINER JONES: Thank you,
3 Mr. McBride. Any other public witnesses like to
4 take the stand at this time?

5 Would you please raise your right
6 hand.

7 (Witness sworn.)

8 HEARING EXAMINER JONES: Thank you.
9 Please be seated and give your name and address
10 for the record.

11 MS. GARDNER: Hello. My name is
12 Shirron Gardner. I reside at 5024 Gunston
13 Drive, Columbus, Ohio 43232.

14 HEARING EXAMINER JONES: Are you a
15 customer of Ohio American Water?

16 MS. GARDNER: Yes, sir. I'm not sure
17 exactly how to do testimony from a neighbor who
18 was not able to make it. She wished to be here
19 and she has her statement notarized, if I could
20 just read hers first.

21 MR. WHITT: I'm sorry, Your Honor.
22 If I could just make, I guess, two notes for the
23 record. First, it's my understanding that
24 Ms. Gardner previously testified at one of the
25 public hearings. I'll leave it to the Bench as

1 to whether it's appropriate to testify again
2 today or not. I'll leave that to you.

3 Second, with respect to someone
4 else's statement, we wouldn't have any objection
5 if that is marked and left for the Commission to
6 be put into the record or put on E-docket as the
7 Commission sees fit. I'm not sure it is
8 appropriate to have this witness read someone
9 else's testimony this morning who isn't present.

10 HEARING EXAMINER JONES: Thank you.
11 Any other comments?

12 MS. YOST: Your Honor, I'm not aware
13 whether or not this witness has testified. She
14 can definitely answer that, but I do believe
15 that OCC has had contact and communicated to her
16 that this would be an opportunity to testify
17 again, and if there is -- if this witness did
18 testify previously, I apologize because we were
19 not aware of that. And if this witness did
20 testify previously, I would ask that the Company
21 at least agree in this circumstance to just
22 allow her to testify today.

23 MR. WHITT: We don't agree or
24 disagree.

25 HEARING EXAMINER JONES: Okay. Well,

1 first as to the statement from the person who
 2 could not be here, we will take -- I do not want
 3 you to read that in the record of this hearing,
 4 but we will take it and put it on the
 5 Commission's Web site in the docket with the
 6 other correspondence that we have received from
 7 customers of Ohio American. It will be treated
 8 the same as those others. So you can hand those
 9 to us at this time.

10 Did you previously testify at one of
 11 the local hearings, Ms. Gardner?

12 MS. GARDNER: I'm not aware of what
 13 it was. I don't know if it was a hearing. If I
 14 can, may I ask, our community comes together and
 15 we were able to present to the PUCO our problems
 16 with the water. I didn't know if it was a
 17 hearing. I just came out because I saw the
 18 signs.

19 HEARING EXAMINER JONES: Were you in
 20 the Blacklick area or some other?

21 MS. GARDNER: I was in the Blacklick
 22 area.

23 HEARING EXAMINER JONES: That
 24 probably was a local public hearing. I will
 25 allow you to testify, but in doing so I'm going

1 to ask you to keep your remarks to something in
2 addition to or different from what you testified
3 to previously because we do already have the
4 transcript of that previous testimony. There's
5 no need to repeat any of that previous
6 testimony. So if you have anything additional
7 you would like to add that you did not say
8 earlier, I will allow you to say that at this
9 time.

10 MS. GARDNER: Okay. As well I
11 brought evidence, so if I could just primarily
12 explain that because I didn't have evidence last
13 time.

14 HEARING EXAMINER JONES: What's the
15 nature of that?

16 MS. GARDNER: This is just a shower
17 head after about three years. It just has,
18 like, little teeth on there because it's calcium
19 buildup and it prevents the water from coming
20 out and it's just covered. I would like to, if
21 at all possible, leave it for evidence or show
22 it off or show it to you.

23 HEARING EXAMINER JONES: I would
24 allow you to use it for demonstrative purposes
25 while you're testifying but I don't want to take

1 your shower head as evidence and leave it here
2 at the Commission.

3 MS. GARDNER: That's okay. I'm not
4 going to wait to bathe until I get this back.

5 As well, my neighbor and I get
6 together, she teaches me how to make jam, and we
7 use this pot here and boil water repeatedly and
8 then we take the jam and let it sit in here
9 because it will complete the seal on here, like
10 hold it real tight, you know, and then it air
11 dries and you can see all the calcium buildup,
12 and this is just after one time of sitting in
13 the water provided by this Company.

14 Inside of here is all of the residue
15 left behind after just two, three times of
16 boiling water in here, and you can see sediment
17 at the bottom. So the water is horribly dirty.
18 It's not meant for human consumption, if I'm
19 asked.

20 I don't bathe my children in this
21 water. I have to order a water softener. My
22 kids can't bathe daily due to the increased
23 cost. So these are some of the concessions that
24 I made. I'm trying not to repeat some things
25 that I offered before.

1 The cost of our water is about \$250 a
2 month since I do have small children. Again, I
3 never saw anyone come out and read our water,
4 not one time, and I have been in school for the
5 last two years so I'm home all day. Never one
6 time have I seen someone come out and read the
7 meter. So our water cost does fluctuate.

8 Moreover, we used to constantly see a
9 truck out there turning off the service, and our
10 water has been cut off for past due balance. I
11 was past due for \$50, and the reconnection cost
12 was \$55 to turn it back on, so the company is
13 raping our area. We are not able to choose
14 another water company, so we can get at least
15 some quality water because it's upsetting to
16 understand that I'm paying \$250 a month and get
17 this type of water. I own property in Columbus
18 where our water bill is, like, a hundred dollars
19 a month -- I mean, a hundred dollars for three
20 months and the water -- and I didn't grow up
21 privileged so I never bought water, but now I'm
22 paying for a water softener, I'm paying for
23 salt, I'm paying for not only the service to
24 bring it into the house, I'm paying for a filter
25 on my refrigerator just to have clean ice to

1 cool down the water that I'm purchasing through
2 Magnetic Spring. So that is my testimony.

3 HEARING EXAMINER JONES: Thank you,
4 Ms. Gardner. Any questions for this witness?

5 MS. YOST: No.

6 MR. WHITT: What flavor is the jam?

7 MS. GARDNER: Would you like a taste?

8 MR. WHITT: It looks very good.

9 MS. GARDNER: It's homemade. It's
10 strawberry jam.

11 MR. WHITT: No further questions.

12 HEARING EXAMINER JONES: Thank you,
13 Ms. Gardner. You may step down.

14 MS. GARDNER: Thank you guys for
15 hearing me. I'll leave this with you.

16 HEARING EXAMINER JONES: Thank you.
17 Are there any other public witnesses at this
18 time who want to offer testimony? Seeing no
19 one, let's go off the record for a moment.

20 (Off the record.)

21 HEARING EXAMINER JONES: In our
22 discussions off the record we were talking
23 procedure. It's my understanding, and please
24 correct me if I'm wrong, that the parties have
25 agreed that if there's a stipulation to be

1 filed, it will be filed by noon on Friday. I
2 would ask that if a stipulation is not going to
3 be filed, that the parties let us know that, let
4 the Bench know that as soon as possible, and
5 that we will reconvene the hearing on Monday at
6 10:00 a.m. here at the Commission's offices.

7 We may not be in this hearing room
8 because I understand there's an SSO prehearing
9 conference in this room, so you have to be
10 watching the board for what hearing room we're
11 in.

12 Anything else that we need to do
13 today? If not, this hearing is adjourned until
14 Monday at 10:00 a.m.

15 - - -

16 Thereupon, at 10:30 a.m. the hearing
17 was adjourned until Monday, May 7, 2012, at
18 10:00 a.m.

19 - - -

CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter before The Public
Utilities Commission of Ohio on May 1, 2012.

Iris I. Dillion, Registered
Professional Reporter.

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in

Case No(s). 11-4161-WS-AIR

Summary: Transcript of Ohio American Water Company hearing held on 05/01/12
electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Dillion, Iris
I. Mrs.